THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3113 OF 2006

DATED 08th SEPTEMBER, 2006

BETWEEN

Durgam Sreeramulu

… Petitioner

and

The Joint Collector, Ranga Reddy District at Khairatabad, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3113 OF 2006

ORDER:

The petitioner filed appeal before the first respondent under Section 24 of A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity). By order, dated 30.07.2005, the first respondent dismissed the same for default. The petitioner then filed an interlocutory application on 29.08.2005 purportedly under Section 151 of Code of Civil Procedure, 1908 (CPC) praying the Joint Collector to set aside the order, dated 30.07.2005 dismissing the appeal for default. Alleging that the same is not disposed of expeditiously, the present writ petition is filed inter alia seeking a direction to the first respondent to dispose of the application.

An interlocutory matter being W.P.M.P.No.3848 of 2006 is filed praying this Court to fix an early date of hearing is listed today. At this stage, the matter is heard finally and is being disposed of by this order.

Learned counsel for the petitioner submits that no such power inhers in the first respondent dismissing the Appeal under Section 24 of the Act for default. Having regard to the pleadings in the affidavit accompanying the writ petition and prayer made in the writ petition, the submission need not be considered in this case now. The writ petition is filed mainly praying this Court to direct the first respondent to dispose of the application to set aside the default order. The relief prayed is not seriously opposed. Therefore, the writ petition is disposed of directing the first respondent to dispose of the interlocutory application filed by the petitioner on 29.08.2005 and pass appropriate orders. This exercise may be completed within two weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

08.09.2006.

pln